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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,988	02/25/2004	Cor F. Van Egmond	2004B010	4496

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ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

EXAMINER

TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,988

Applicant(s)

VAN EGMOND ET AL.

Examiner

Fred M Teskin

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-8 and 18-33 is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 022504.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claims 1-33 are currently pending and under examination.

The disclosure is objected to because of the following informalities: The specification at page 13 refers to a copending U.S. application that is identified only by serial number and filing date and that is "incorporated by reference". The present status thereof should be made known to the examiner. Applicant is reminded that incorporation by reference of *essential* material is proper only for U.S. patents and *allowed* applications, MPEP 608.01(p)(B), and is requested to clarify whether material disclosed in said copending application is essential to the instant claims within the meaning of 35 U.S.C. 112, 1st paragraph. If so, such material should be added by amendment directly into the text of the specification. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Appropriate correction of the specification is required.

Claim 17 is objected to because of the following informalities: the word -forming- has been omitted after "polypropylene" in line 9. Appropriate correction is required.

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Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 provides the limitation to "the *propane* is removed from the unreacted by-product ...". There is inadequate antecedent basis for this limitation in the claims. In particular, note parent claim 9, step d), which calls for "recovering *propylene*" from the unreacted by-product. Thus, there is uncertainty as to which of these hydrocarbons is intended to be removed/recovered from said by-product. Clarification and appropriate correction are required.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuechler et al and Purvis et al are pertinent to the use of a dilute propylene stream as feedstock for a polypropylene production process (note Kuechler at col. 18, lines 18+ and col. 26, claim 45 and Purvis at col. 10, lines 15+).

Marker is pertinent to catalytic conversion of an oxygenate feedstock to hydrocarbons containing, *inter alia*, ethylene and propylene (note col. 4, lines 54+).

Claims 1-8 and 18-33 are allowable. Claims 9-17 would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. 112 and objection set forth in this Office action.

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The following is a statement of reasons for the indication of allowable subject matter: the separating/recovering of an "intermediate grade propylene stream," as defined herein (e.g., page 4, parag. [0016]), from an olefin stream (claims 1 and 17) or an overhead distillation stream (claim 9) or a propylene separation system (claim 26) and contact thereof with a polypropylene-forming catalyst according to the instant process, is not disclosed nor fairly suggested in any prior art document(s) located or identified by the examiner as of the date of this Office action.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMTeskin/09-17-04


FRED TESKIN
PRIMARY EXAMINER
1713